

1 BEFORE THE CENTRAL PUGET SOUND
2 GROWTH MANAGEMENT HEARINGS BOARD
3 STATE OF WASHINGTON
4

5 JANET WOLD, et al.,
6

7 Petitioners,
8

9 v.
10

11 CITY OF POULSBO,
12

13 Respondent.
14

CASE NO. 10-3-0005c

(Wold)

**ORDER ON MOTIONS TO
SUPPLEMENT THE RECORD**

15 **BACKGROUND**

16 This matter comes before the Board on the joint motion of Petitioners Wold and Lee to
17 supplement the record. Petitioners have requested the City to add documents to its Index.
18 The City has agreed in part and objected in part.
19

20 In ruling on the proffered exhibits, the Board takes into consideration the following:
21

- 22 • Respondent's Index
- 23 • Petitioners' Motion to Supplement the Record, Apr. 5, 2010
- 24 • City Letter to Lee on Proposed Additions to the Index, Apr. 2, 2010
- 25 • City Letter to Wold on Proposed Additions to the Index, Apr. 2, 2010
- 26 • Petitioner's Response to Poulsbo's Email Letters of 4/2/10 Regarding Documents in
27 Index and Record, Apr. 19, 2010
- 28 • City of Poulsbo's Response to Petitioners' Motion to Supplement, Apr. 16, 2010
- 29 • Petitioners' Reply to the City of Poulsbo's Response to Petitioners' Motion to
30 Supplement the Record, May 3, 2010

31 RCW 36.70A.290(4) provides that the Board shall base its decision on the record developed
32 by the challenged jurisdiction" supplemented with additional evidence if the Board

1 determines that such additional evidence would be necessary or of substantial assistance to
2 the Board in reaching its decision.”

3 4 MOTION TO SUPPLEMENT

5 Clarification of Board Requirements

6 The City's Index should contain a numerated listing of all the documents the City
7 considered in enacting Ordinance 2009-4 and the Comprehensive Plan update. The
8 City must make these documents available to Petitioners for inspection and copying. If
9 the records are audio tapes or CDs, Petitioners may have relevant portions
10 transcribed at their own expense. There is no requirement to have all the meetings
11 transcribed.
12

13
14 The Record before the Board will be *only the documents or portions of documents that*
15 *the parties attach as exhibits to their briefs.* Those exhibits may include documents
16 which the Board rules in this order are admitted, “may be offered,” or may be officially
17 noticed. In the discussion that follows and in the summary tables at the end of this
18 order:
19

- 20
- 21 • “Admitted” means the proposed exhibit becomes a supplemental exhibit. Each new
22 exhibit will be numbered as indicated below.
 - 23 • “Already in Record” means that the exhibit is already listed on the City's Index or the City
24 has acknowledged it as part of the record; therefore it is automatically admitted and
25 need not be the subject of a motion to supplement.
 - 26 • “Board takes notice” means that the Board recognizes the existence of an official
27 decision, order, statute, ordinance, resolution or document adopted by such instrument.
28 The party relying on the official document should attach relevant portions as an exhibit.
 - 29 • Exhibits that “May be offered” are not admitted at this time; they may be offered
30 again as exhibits to briefs. The Presiding Officer will rule on their admissibility at
31 the beginning of the Hearing on the Merits. Each offered exhibit shall be numbered
32 as indicated below.
 - Exhibits that indicate “Denied” do not become supplemental exhibits to the Record.

1 For the convenience of the parties and the Board, the Board will not renumber the
2 supplemental exhibits in this case or require the City to file an Amended Index.

3 Rather, we ask all parties to use a simplified format for referencing exhibits in their
4 briefs:

- 5 • Items from the City documents will be labeled – Index #¹
- 6 • Items from Exhibit 2 will be labeled – Lee #
- 7 • Items from Exhibit 4 will be labeled – Wold #
- 8 • Where the City has accepted that items are already in the record but has not
9 amended its Index to provide a new Index number,² the Petitioners will use the
10 Lee# or Wold # of the document.
- 11 • Items from the emails provided in response to the public disclosure request will
12 be labeled – Email #1, etc.

13 Each exhibit filed with the Board shall reference the document numbers as indicated in the
14 Index or as specified above. Exhibits shall be filed with briefs. The parties are cautioned
15 that **each exhibit must be relevant** to the issues before the Board. Listing on the Index as
16 a part of the record below, or admission as a supplemental exhibit, does not necessarily
17 mean that a specific exhibit is relevant to the legal issues, as set forth in the Prehearing
18 Order.

19 **Items Withdrawn**

20 Petitioners' Reply withdraws the following items:

- 21 • Exhibit 2 (Lee) – ##s 6, 7, 14, 15, 25, 26, 27, 30, 31, 32, 33-35, 38, 39, 41, 43,
22 44, 47, 48, 51, 54, 61
- 23 • Exhibit 4 (Wold) – ##s 9, 10

24 **City Meeting Minutes, Recordings and/or Transcripts – Deemed Admitted**

25 Petitioners have asked to supplement the record with minutes of the Finance and
26 Administration Committee, Lee #13, the Capital Improvement Plan Committee, Lee
27

28 _____
29
30
31 ¹ Where an Index number refers to a particular meeting, a party might specify "Index 109-minutes" or "Index
32 109 transcript."

² The City has accepted Wold # 16, 32-35, and 39 and Lee # 8, 9, 17-23.

1 #14, 15, and the Public Works Committee, Lee #24-27 and Wold #8. They have also
2 sought a full record of City Council and Planning Commission meetings during the
3 two-year period, whether or not the comprehensive plan was on the agenda. Wold ##s
4 11 and 12.

5
6 The City's Index, as amended, lists 13 meetings of the Planning Commission, 22
7 meetings of the City Council, and 2 meetings of the Parks Commission where the
8 Comprehensive Plan update was on the agenda. Given the pervasiveness of the
9 issues addressed in a Comprehensive Plan update, it is reasonable to assume that
10 relevant issues may have been discussed in other meetings. The Board notes that all
11 of the City's Council meetings and meetings of boards and commissions are matters
12 of public record. Presumably these materials can be made available to the Petitioners
13 for review and possible selection and copying.³
14
15

16
17 The Board will not require the City to amend its Index further but will allow the
18 Petitioners to submit meeting minutes or transcripts from *other City public meetings*
19 that are not listed on the Index, if such documents would be "necessary or of
20 substantial assistance" to the Board's deliberations. If Petitioners seek to use minutes
21 or transcripts of any of these public meetings in support of their Prehearing Briefs,
22 they **may offer relevant portions as attachments**. They will be **deemed admitted**
23 unless the City files an objection in its response.⁴ If the City objects, the Board will
24 make its ruling at the beginning of the Hearing on the Merits.
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31 ³ To the extent Petitioners want transcripts of any meetings, it is their responsibility to arrange for
32 transcriptions. The Board does not listen to audiotapes or view CDs.

⁴ For example, an objection to inaccurate transcription or to an excerpt taken out of context.

1 **E-mails of Councilmembers – *May be Offered***

2 Lee ##s 1, 2, and 10 reflect a public records request by which Molly Lee has sought
3 disclosure of emails of Linda Berry-Maraist and Becky Erickson. The City has provided
4 and is continuing to produce these emails, beginning with those related to the
5 Comprehensive Plan. Petitioners (a) have not received all the records and (b) have
6 not had time to determine whether any such emails are germane to the issues in this
7 proceeding. Thus they have not moved to introduce specific documents in
8 supplementation of the record.
9

10
11 In the recent case of *Petso II v. City of Edmonds*, CPSGMHB Case No. 09-3-0005,
12 Order on Motion to Supplement (May 11, 2009), at 3, the Board resolved a request to
13 supplement concerning a public records request as follows:
14

15 Item 13 consists of a public records request, with the responsive records
16 attached as exhibits to Petitioner's Rebuttal. It is not clear to the Board which, if
17 any, of these materials are admissible or likely to assist it in its decision. The
18 Board rules that these documents **may be offered**. If Petitioner Petso seeks to
19 use any of these documents in support of her Prehearing Brief, she should offer
20 them as attachments; the City may file any objections in its response, and the
21 Board will make its ruling at the beginning of the Hearing on the Merits.

22 In the present case, the Petitioners have not had time to determine which of the
23 disclosed emails they believe might be "necessary or of substantial assistance" to the
24 Board.

25 However, the Board issues two cautions:

26 First, the GMA requires that Growth Boards include former local officials as
27 Board members. The Statute anticipates that such members will bring their unique
28 experience to their case deliberations. Both Board member Earling and Board
29 member Pageler have long experience as elected city officials. As such, we are
30 skeptical of the probative value of Council and Mayor emails. Emails exchanges are
31 by their nature fragmentary and ephemeral. They are often sent without review for
32

1 factual accuracy and thus are not likely to provide proof of facts. While they may
2 convey opinions, the very nature of the political process is that opinions change.

3 Second, the Board does not determine compliance with the GMA based on the
4 colloquy of council members, either in email or at a formal meeting. The Board looks
5 at the *ordinance* that was enacted and the *Comprehensive Plan or development*
6 *regulations* that were adopted. Council members are expected to have wide-ranging
7 discussions, perhaps play devil's advocate, and explore options. Individual motivations
8 are not determinative. The Board's decision concerning GMA compliance must focus
9 on the adopted ordinance and the Comprehensive Plan itself.
10

11
12 With these caveats, the Board rules here that responses to the public records
13 requests **may be offered**. If Petitioners seek to use any of these documents in
14 support of their Prehearing Briefs, they may offer them as attachments. The City may
15 file any objections in its response, and the Board will make its ruling at the beginning
16 of the Hearing on the Merits.
17

18
19 **Annexation Documents – *May be Offered***

20 Wold ##s 1 and 2 request the annexation files for 13 annexations from 2003 to the
21 present and two annexation files currently pending. The City objects that these files
22 were not used during the Comprehensive Plan update process and that the Board
23 does not have jurisdiction over annexations.
24

25
26 Indeed, the Board does not have jurisdiction over an ordinance providing for
27 annexation of land to a city.⁵ However, a city's past and planned annexations are an
28 integral element of its comprehensive planning. The City of Poulsbo apparently
29 recognized this. According to its Index, an early step in its Comprehensive Plan
30

31
32 ⁵ *Fallgatter VII v. City of Sultan*, CPSGMHB Case No. 06-3-0023, Order of Dismissal (June 29, 2006).

1 update was a City Council workshop on annexation policies, followed by appointment
2 of an Annexation Task Force, which made recommendations to the City Council on
3 annexation policies.⁶
4

5 The Board thinks it unlikely that the complete files of all these annexations are
6 necessary or of substantial assistance to its decision in this case. Petitioners are
7 urged to find a handful of summary pages to document their issues.⁷ Such materials
8 **may be offered** as exhibits attached to briefs.
9

10 11 **Newspaper Articles – Various**

12 Petitioner Wold seeks to supplement the record with various newspaper articles. The
13 Board members, again applying their experience as former city elected officials, are
14 skeptical about the accuracy or probative value of newspaper reports.⁸ But they are
15 sometimes admitted, particularly when they corroborate or summarize facts and
16 debate that are well known to the parties.⁹
17
18

19 In the case before us, the Board notes that the City's Index contains numerous
20 clippings from the Kitsap Sun and North Kitsap Herald.¹⁰ A few of these are notices
21 and reports on the public process. Others report on the substantive debates and
22 relevant facts. Given this evidence of the City's awareness of ongoing news coverage,
23
24

25
26 ⁶ Index #26, 30, 33, 37, 42, 45-47.

27 ⁷ The map submitted with Index 240 is a good example. (Kitsap Sun, 9/30/09, Annexations in Johnson Creek
28 Watershed). Petitioners' Reply, at 7, also references "the summaries showing the description, acreage and
29 number of residences."

30 ⁸ See e.g., *Keesling CAO v King County*, CPSGMHB Case No. 05-3-0001, Final Decision and Order (July 5,
31 2005), at 32 ("In contrast, the evidence presented by [Petitioner] consists of newspaper clippings and other
32 material lacking the credibility of peer-reviewed studies and analysis conducted and compiled by the County").

⁹ *Fallgatter VIII v City of Sultan*, CPSGMHB Case No.06-3-0034, Final Decision and Order (Feb. 13, 2007), at
11 (newsclipping admitted in reply brief to document City development permit activity and support
determination of invalidity).

¹⁰ Index ##s 41, 69, 73, 81, 89, 90, 100, 101, 102, 123, 137, 195, 246, and 253.

1 the Board anticipates no prejudice to the City in admitting some of the remaining news
2 articles requested by Petitioners.

3
4 The Board rules as follows:

- 5 • Wold #7 – Not relevant – **Denied**
- 6 • Wold #13 – **Admitted**
- 7 • Wold #15 – **Admitted**
- 8 • Wold #18 - **Admitted**
- 9 • Wold #25 – Apparently duplicates City Index #100 – Already in the Record
- 10 • Wold #26 – See Viking Way discussion below – **Denied**
- 11 • Wold #40 – Post-dates City Council action; relevant facts available from other
12 documents in the Record - **Denied**

13 **Official Documents of Other Governments – *Board Takes Official Notice***

14 Wold ##s 14 and 22 are official documents of Kitsap County and Port Orchard,
15 respectively. Lee #67 is an official document of Kitsap County Public Utility District #1.
16 Pursuant to WAC 242-02-660(4), the Board **may take official notice** of the
17 ordinances and other enactments of local governments. Relevant portions of such
18 documents must be attached to the proponent's brief.
19

20
21 The City objects that these materials were not submitted to the City for its Record.
22 However, it appears to the Board that Petitioners' comments in various meetings cited
23 to the differing density standards and growth rates of Kitsap County and its member
24 cities. Further, the Petitioners had questioned the insufficiency of water supply and
25 infrastructure. At this stage of the proceedings, the Board is not prepared to deny use
26 of these materials.
27

28
29 Wold ##s 4, 5, and 6 are not official enactments or reports of Kitsap County and will
30 not be officially noticed by the Board. Wold #4 is a County staff email from 2006 about
31 the County plan. Wold #5 is a 2006 letter from a County resident commenting on the
32

1 County Plan. Wold #6 is a study for the County about associating UGA to the
2 appropriate city. Item Wold #6 does not appear to the Board to be relevant to the
3 issues in this case. The UGA at issue here was established in 2002 and its size,
4 boundaries and association are not subject to challenge.¹¹ As to Wold ##s 4, 5, and
5 6, supplementation is **denied**.
6

7
8 **Olhalva Testimony – Denied**

9 Wold ##s 29 and 30 are comments made by Petitioner Wold in hearings on a short
10 plat application for Olhava. This permit process was not a part of the Comprehensive
11 Plan update. Further, the facts referenced in Ms. Wold's testimony and attachments
12 are available in other parts of the record;¹² therefore supplementation will not assist
13 the Board in reaching its decision.
14

15
16 **Critical Areas Ordinance Records – Denied**

17 Lee ##s 4, 12, 37-40, 44-50, 53, 55, 56-65, and Exhibit 5, Items 1-5 are documents
18 from the City's Critical Areas Ordinance adoption process. The City of Poulsbo Critical
19 Areas Ordinance was adopted July 20, 2007 by Ordinance 2007-24 as the culmination
20 of a process in which these petitioners were intensely involved. They state that they
21 did not appeal the critical areas ordinance because of assurances from the City that
22 the issues could be joined in an appeal of the Comprehensive Plan if not satisfied at
23 that time. They also argue that Comprehensive Plan Policy NE-6.9 reopens the CAO
24 issues.
25

26
27 In *Thurston County v. Western Washington Growth Management Hearings Board*, 164
28 Wn.2d 329, 190 P.3d 38 (Aug. 14, 2008), the Supreme Court settled the question of
29
30

31 ¹¹ See, discussion in the Board's Order on Dispositive Motions.

32 ¹² E.g., Wold #15.

1 whether a comprehensive plan update opened the plan to challenge in every respect
2 or only for those provisions of the plan that have been amended. The Supreme Court
3 held that a petitioner can challenge only those provisions that have been amended in
4 the update process and cannot reach back to seek correction of prior enactments. The
5 City of Poulsbo's critical areas ordinance was adopted in 2007 and is not subject to
6 challenge in the Comprehensive Plan update.
7

8
9 Petitioners call out Policy NE-6.9 and argue that this policy amends the critical areas
10 ordinance. The Policy states:

11 Recommendations from two stream corridor ecological analyses should be
12 reviewed for any appropriate inclusion in the City's storm water management
13 programs or development regulations. These reports have been prepared by P. A.
14 Fishman of SWCA Environmental Consultants, and include:

- 15 • Ecological Condition and CAO Recommendations for North Fork Johnson
16 Creek Corridor, Poulsbo, Washington.
- 17 • Proposed Natural Resource Buffers for Lemolo Creek Corridor, Poulsbo,
18 Washington.

19 The policy requires City personnel to consider two stream corridor analyses in the
20 development of storm water management programs.¹³ Petitioners argue that these
21 analyses are not Best Available Science. However, Policy NE-6.9 does not preclude
22 consideration of other studies. The Board fails to see how this policy reopens the
23 critical areas ordinance.
24

25 Petitioners also argue that the City reopened CAO issues by "layering the CAO stream
26 buffers with open space and wildlife corridors."¹⁴ The Board understands that stream
27 buffers serve multiple functions, including providing open space and wildlife corridors.
28
29

30
31 ¹³ Petitioners' Legal Issue 5 concerning storm water management is based on RCW 36.70A.070(1), and the
32 Board expects briefing and argument from the parties.

¹⁴ Petitioners' Reply, at 9.

1 The Board does not agree that recognition of these multiple values of stream buffers
2 amends or reopens the CAO.

3
4 The Motion to Supplement is **denied** with respect to CAO records.

5
6 **Planned Residential Development Ordinance Materials – *Denied or Withdrawn***

7
8 Lee ##s 41, 43, and 51 are letters of testimony by the Lees related to the Planned
9 Residential Development Ordinance, adopted by Ordinance 2007-25 on July 30, 2007.
10 Petitioners' Reply indicates on page 10 that these documents are withdrawn and, on
11 page 21, that the documents are relevant and should be made available.

12
13 The Board notes that the Planned Residential Development Ordinance was not a part
14 of the Comprehensive Plan update process, and a challenge to the PRD itself would
15 be untimely. Further, many of the facts referenced in the Lees' letters are available in
16 other parts of the record; therefore these documents will not assist the Board in
17 reaching its decision. Supplementation is **denied**.

18
19
20 **Viking Avenue Materials – *Denied***

21 Lee #3 and Wold ##s 26, 28, 31, and 42 concern the Viking Avenue improvements
22 and the funding process. Petitioners seek to offer them to show the City's failure to
23 plan adequately for the necessary capital improvements, and also to show "funding
24 irregularities." Wold #31 is also offered to demonstrate the City's hostility to
25 Petitioners in the public process.

26
27
28 The Board agrees with the City that these materials are not necessary or useful to the
29 Board's determination of this case. The Board looks at the Capital Facilities Plan itself,
30 along with transportation and other functional plans, to assess compliance with the
31 GMA requirements for infrastructure planning. The Board looks to the record of the
32

1 City's open meetings and, in particular, the extensive input of these Petitioners, in oral
2 testimony and submission of written materials, to assess compliance with the GMA
3 public participation requirements. Supplementation is **denied**.

4
5 **Tax Classification Documents – *Supplementation Denied* – Official Notice**

6 Lee ##s 28-32 are documents from the Kitsap County Assessor's Office explaining
7 current use taxation. Petitioners indicate that current use classification has an "effect
8 on the Land Capacity Analysis and the correlated population allocation [that] may be
9 significant if not accounted for."¹⁵ Petitioners also have asserted several Legal Issues
10 concerning natural resource lands.¹⁶

11
12
13 The Board first points out the difference between GMA designation of natural resource
14 lands and current use classification for tax purposes. The GMA requires counties to
15 designate forest lands, mineral lands, and agricultural lands of long-term commercial
16 significance.¹⁷ These lands are to be protected from urban development and from
17 rural sprawl. The Comprehensive Plan for Kitsap County has relatively little
18 designated forest and agricultural land. Much of the County is designated Rural,
19 although it may be in use for farming or timber harvest. By definition, the Urban
20 Growth Area does not include designated agricultural or forest lands.

21
22
23 However, within the UGA and even within an incorporated city there may be property
24 owners who want to keep a woodlot or pasture or berry farm rather than develop at
25 urban densities. The current use classification allows temporary tax breaks in return
26 for a ten-year commitment for such uses. Current use classification is *not* the same as
27 a GMA designation of natural resource lands of long-term commercial significance. A
28
29

30 ¹⁵ Petitioners' Response to Letter, at 15.

31 ¹⁶ Legal Issues 10, 11, 12.

32 ¹⁷ RCW 36.70A.040(3), .170(1)(a).

1 city has no GMA obligation to protect farms and woodlots in the designated urban
2 growth area, though it should sequence its expansion by zoning for urban
3 development first where there is already a pattern of urban uses and urban
4 infrastructure.¹⁸

5
6 The Board **will not supplement the record** with the current use classification
7 documents. If necessary to a decision in this case, the Board will **take official notice**
8 of the tax classification scheme.¹⁹ WAC 242-02-660, -670. The Board notes that the
9 City's Index includes Molly and John Lee's current use designation of their property as
10 forest land. Index # 270.

11
12
13 **Prowse Newsletters - Denied**

14 Wold ##s 36 and 38 are newsletters from Prowse & Co. Realtors comparing housing
15 markets in various Kitsap County communities, including Poulsbo and Bremerton.
16 Petitioners argue that over-zoning and overdevelopment in Poulsbo comes at the
17 expense of other communities, particularly the City of Bremerton. These newsletters
18 are offered as evidence toward that issue.

19
20
21 The Board is aware of no provision of the Growth Management Act requiring a city, in
22 planning under the UGA, to consider the economic well-being of neighboring
23 communities, however desirable that might be. Ideally, Countywide Planning Policies
24 might address the problem of such inequity between communities,²⁰ but the GMA
25 imposes no independent duty on each city. In the absence of specific Countywide
26
27
28

29
30 _____
31 ¹⁸ RCW 36.70A.110(3).

32 ¹⁹ WAC 242-02-660, -670.

²⁰ See, RCW 36.70A.210(3).

1 Planning Policies, the Board has no jurisdiction to consider questions of economic
2 competition between cities.²¹

3
4 Accordingly, the Prowse newsletters will not be useful to the Board because this is not
5 a question the Board is authorized to consider. **Supplementation is denied.**
6

7
8 **Poulsbo TIP and CIP – 2007, 2008 Admitted**

9 Wold #3 requests the City's TIP and CIP from 2005 to the present. While the Board's
10 review of the Comprehensive Plan update must focus on the TIP and CIP adopted in
11 2009 concurrently with the Plan, the Board reasons that the CIP and TIP for 2007 and
12 2008 would have been used by the City during its update process. These capital plans
13 from the immediate prior years may be useful to the Board in addressing the
14 Petitioners' infrastructure funding issues. Accordingly, the CIP and TIP for 2007 and
15 2008 are **admitted**; the 2005 and 2006 CIP and TIP are **denied**.
16

17
18 **Quade-Wold Interchange - Admitted**

19 Wold ##s 17, 19, 20, and 24 are letters and an email chain in which Poulsbo Mayor
20 Quade and Petitioner Wold dispute the City's residential development statistics, set up
21 a meeting, and resolve one of the disputed issues. Petitioner Wold seeks to introduce
22 the records to show (a) a level of hostility from the City to citizen input and (b) certain
23 facts about the City's population numbers.²²
24

25
26 As for Petitioners' concerns that citizen input was not sufficiently welcomed by the
27 City, the Board notes that the GMA mandates a certain minimum public participation
28
29

30
31 ²¹ See, *Bothell v. Snohomish County*, CPSGMHB Case No. 07-3-0026c, Final Decision and Order (Sep. 17,
32 2007), at 50-54.

²² Petitioners' Reply, at 17-20.

1 process.²³ Many cities and counties go far beyond the minimum, but the Board can
2 enforce only what the statute requires. Where citizen activists have been able to follow
3 the process from beginning to end, testifying and submitting materials and winning
4 some points along the way, the Board seldom finds non-compliance on public
5 participation grounds.²⁴
6

7
8 The Board notes that the items requested for supplementation here are clearly a part
9 of the City's public debate and consideration of the Comprehensive Plan update. The
10 documents demonstrate that, notwithstanding mutual ill will, the Mayor took time for a
11 personal meeting with Ms. Wold. Subsequently, the Mayor issued a public statement
12 thanking her for helping to correct the City's planning records. It appears to the Board
13 the documents show that the GMA process worked. The items for supplementation
14 are **admitted**.
15

16 ORDER

17 The Supplementation Tables below indicate the ruling of the Board with respect to
18 each of the documents requested for supplementation of the record.
19

20 DATED this 11th day of May, 2010.
21
22

23 _____
24 David O Earling
25 Presiding Officer
26

27 _____
28 Margaret A. Pageler, Board Member
29
30

31 ²³ RCW 36.70A.130(2), .140, .035.

32 ²⁴ See, *Petso II v City of Edmonds*, CPSGMHB Case No. 09-3-0005, Final Decision and Order (Aug. 17, 2009)
at 8-18, and cases cited therein.

SUPPLEMENTATION TABLE

Lee Request for Supplementation – Exhibit 2

1-2	Public records requests	May be offered
3	Viking Avenue	Denied
4	Critical Areas Ordinance binder	Denied
5	Water availability memo	Admitted
6	Johnson Creek letter 8/20/09	Withdrawn
7	Johnson Creek letter 12/4/06	Withdrawn
8-9	Lee letters 8/5/09	Already in record
10	Public records request	May be offered
11	Power Point presentation	Already in record
12	Critical Areas Ordinance power point	Denied
13	City of Poulsbo public meeting	May be offered – Deemed admitted
14-15	City of Poulsbo public meetings	Withdrawn
16	City of Poulsbo public meeting	May be offered – Deemed admitted
17-23	Planning Commission minutes	Already in record
24	City of Poulsbo public meetings	May be offered – Deemed admitted
25-27	City of Poulsbo public meetings	Withdrawn
28-29	Current use taxation	Supplementation Denied – but Board takes official notice of relevant regulations
30-32	Current Use taxation	Withdrawn – but Board takes official notice of relevant regulations
33-35	Fish and Wildlife documents	Withdrawn
36	Fish and Wildlife checklist	Already in record
37	Critical Areas Ordinance submittal	Denied
38-39	Lee comment letters	Withdrawn
40	Critical Areas Ordinance submittals	Denied
41	Planned Residential Development letter 5/27/07	Withdrawn/Denied
42	Lee letter 2/25/08	Admitted
43	Planned Residential	Withdrawn/Denied

1		Development letter 7/11/07	
2	44	Critical Areas Ordinance letter	Withdrawn
3	45-46	Critical Areas Ordinance letters	Denied
4	47-48	Critical Areas Ordinance letters	Withdrawn
5	49-50	Critical Areas Ordinance letters	Denied
6	51	Planned Residential Development letter 7/11/07	Withdrawn/Denied
7	52	Secession from UGA letter 3/19/08	Admitted
8	53	Critical Areas Ordinance letter	Denied
9	54	Karkanin annexation letter 4/21/06	Withdrawn
10	55-60	Critical Areas Ordinance materials	Denied
11	61	Critical Areas Ordinance	Withdrawn
12	62-65	Critical Areas Ordinance materials	Denied
13	66	UGA secession petition	Already in record

Wold Request for Supplementation – Exhibit 4

19	1-2	Annexation materials	May be offered (summary materials only)
20	3	CIP and TIP	2007 and 2008 admitted; 2005-2006 denied
21	4	Eric Baker email 8/3/06	Denied
22	5	Harless letter 10/27/06	Denied
23	6	Kitsap County report	Denied
24	7	News article 12/26/07	Denied
25	8	City of Poulsbo public meetings	May be offered – Deemed admitted
26	9	Planning Department reports	Withdrawn
27	10	Permit reports	Withdrawn
28	11-12	City of Poulsbo public meetings	May be offered – Deemed admitted
29	13	News article 3/1/08	Admitted
30	14	Kitsap County report	Admitted
31	15	News article 4/2/08	Admitted
32	16	Wold testimony	Already in record
	17	Mayor Quade letter 7/20/08	Admitted
	18	News article 7/21/08	Admitted

1	19-20	Mayor Quade-Jan Wold correspondence	Admitted
2	21	City of Poulsbo public meeting	May be offered – Deemed admitted
3	22	Port Orchard Comprehensive Plan	Board may take official notice – relevant sections may be offered
4	23	John Christ letter 12/14/08	Admitted
5	24	Mayor Quade letter 1/26/09	Admitted
6	25	News article 2/24/09	Admitted
7	26	News article 4/2/09	Denied
8	27	Poulsbo report to OFM	Admitted
9	28	Viking Way bid tabulations	Denied
10	29-30	Olhalva short plat and permit comments	Denied
11	31	Proclamation 7/15/09, Viking Way	Denied
12	32-35	Wold comments in public hearings	Already in record
13	36	Prowse real estate newsletter	Denied
14	37	Department of Ecology water rights report	Official notice
15	38	Prowse real estate newsletter	Denied
16	39	Wold comment in public hearing	Already in record
17	40	News article 12/25/09	Denied
18	41	Poulsbo City Council meeting 3/17/10	Denied – post-dates Ordinance 2009-04 adoption
19	42	Viking Way letter	Denied

Wold Request for Supplementation – Exhibit 5

1-5	Critical Areas Ordinance documents	Denied
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